

C O P Y

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CONCORD, N.H.

1953

March 12

Mr. Harold Cheney,
Director of Purchase and Property
State House

Dear Sir:

You have inquired whether or not you would be justified in consummating a contract as requested by the requisition of the Laconia State School for installing a fire escape on the Murphy Building at that institution pursuant to its capital budget authorized by the 1951 Legislature, under circumstances whereby: (a) on November 14, 1952, the Acting Governor and Council authorized the Trustees of the Laconia State School to advertise for bids to install said fire escape; (b) no specifications were prepared by the owner; (c) three firms -- the Hussey Mfg. Company, Berwick, Maine, Lyons Iron Works, Manchester, New Hampshire, and Keene Mfg. Company, Keene, New Hampshire -- inspected the premises upon request and submitted offers by open letter; and (d) no advertisement of the project was made in newspapers.

In my opinion, the Governor and Council resolution of November 14, 1952 properly authorized the Trustees of the Laconia State School to advertise for bids to install said fire escape. However, the procedure adopted by the Laconia State School relative to securing bids on said fire escape is in conflict with the provisions of s. 5, c. 254, Laws of 1951, in that (1) sealed bids were not submitted after (2) an advertisement calling for bids had been published at least once in two successive weeks in a newspaper of general circulation in New Hampshire. It is my opinion, therefore, that you are not justified in consummating the contract pursuant to the requisition of the Laconia State School for a fire stair exit.

Very truly yours,

John H. Nassikas
Deputy Attorney General

JHN:HP